

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GLENN MAYER, JR.,)	Case No. 1:19-cv-2620
)	
Plaintiff,)	Judge J. Philip Calabrese
)	
v.)	Magistrate Judge Kathleen B. Burke
)	
CUYAHOGA COUNTY, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER CLARIFYING ECF NO. 25

With respect to the parties' request for clarification of ECF No. 25 (the ruling on the outstanding motions), Claim 8 alleges failure to train and is limited to Mr. Hayes. It parallels Claim 2, which alleges a violation of Section 1983 and includes a component regarding training. To the extent Claim 8 relates directly to the incident at issue, discovery is proper and may help determine a claim or defense to liability. But some allegations in this claim in the operative complaint go beyond that and Ohio law requires individual liability before an employer may be liable for failure to train. For these reasons, discovery regarding such allegations goes to the *Monell* claims and beyond the threshold determination of the liability of Mr. Hayes and/or for the incident at issue and is stayed at this time.

Count 9 alleges destruction of public records. The Court directs Plaintiff to include in his forthcoming amended complaint allegations regarding the specific records subject to this claim. To the extent these records relate to the incident or establishing Mr. Mayer's condition before or after it, including testing evidence

regarding their non-existence, that discovery will help resolve this and other threshold claims and may proceed.

SO ORDERED.

Dated: January 29, 2021

A handwritten signature in black ink, appearing to read 'J. Calabrese', written over a horizontal line.

J. Philip Calabrese
United States District Judge
Northern District of Ohio